

441-79273

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

Plaintiff,

**DECLARATION**

Case No: 04 CV 4971 (NG)  
(MDG)

- against -

OLYMPIA MORTGAGE CORPORATION and LIEB  
PINTER, SHAINDY PINTER, BARRY  
GOLDSTEIN, MIRIAM GOLDSTEIN, SAMUEL  
PINTER, FAGIE PINTER, ABE DONNER, ZEISHA  
AUERBACH, ALAN BRAUN, ALAN J. BRAUN  
AND CO., MARCUS PINTER, MIDWOOD  
FEDERAL CREDIT UNION, 1716 REALTY  
CORPORATION, KAHAL SHOMREI HADATH and  
DOE COMPANIES,

Defendants.

-----X  
OLYMPIA MORTGAGE CORPORATION,

Crossclaim Plaintiff,

-against-

LIEB PINTER, et al.

-----X  
MICHAEL F. LYNCH, ESQ., an attorney duly admitted to practice before this Court,  
and a member of the firm of MARTIN CLEARWATER & BELL, LLP., attorneys of record  
for the defendant and crossclaim defendant, MARCUS PINTER, (hereinafter referred to as  
“Mr. Pinter”) hereby declares, pursuant to 28 U.S.C. § 1746, under the penalty of perjury:

1. I am familiar with the facts and circumstances of this action by virtue of a  
review of the file maintained in this matter in your declarant’s office.

2. This declaration is submitted in support of the instant motion for an order:

A. pursuant to F. R. Civ. P. 56(b) granting summary judgment and dismissing plaintiff, Federal National Mortgage Association's, ("Fannie Mae") amended complaint with prejudice, as against Mr. Pinter on the following grounds:

(i). Fannie Mae can not sustain a claim for aiding and abetting fraud against Mr. Pinter;

(ii). Fannie Mae cannot sustain a claim of accounting malpractice against Mr. Pinter; and

B. pursuant to F. R. Civ. P. 56(b) granting summary judgment and dismissing the defendant/crossclaim plaintiff, Olympia Mortgage Corporation's, ("Olympia") crossclaim with prejudice, as against the crossclaim defendant, Mr. Pinter on the following grounds:

(i). Olympia cannot sustain a claim of accounting malpractice against Mr. Pinter; and

3. In the alternative and in the event that the instant motion for summary judgment is denied with respect to Fannie Mae's claim against Mr. Pinter, pursuant to F. R. Civ. P. 15(a), allowing Mr. Pinter to amend his answer to the amended complaint and assert the affirmative defense of set off;

4. Together with such other and further relief as this Court may deem just and proper.

5. Annexed hereto as Exhibit "A" is a copy of the amended complaint.

6. Annexed hereto as Exhibit "B" is a copy of Mr. Pinter's answer to the amended complaint.

7. Annexed hereto as Exhibit "C" is a copy of Olympia's answer to the amended complaint and crossclaim.

8. Annexed hereto as Exhibit "D" is a copy of Mr. Pinter's answer to Olympia's crossclaim.

9. Annexed hereto as Exhibit "E" is a copy of a consent judgment against Olympia and in favor of Fannie Mae in the amount of \$44,800,00 dated August 27, 2007.

10. Annexed hereto as Exhibit "F" is a copy of Fannie Mae's voluntary dismissal against Alan Braun and Alan J. Braun & Co.

11. Annexed hereto as Exhibit "G" are the pertinent portions of FannieMae's representative, Joseph Sakole's deposition dated July 26, 2006.
12. Annexed hereto as Exhibit "H" are pertinent portions of Mr. Pinter's deposition dated August 7, 2006.
13. Annexed hereto as Exhibit "I" are pertinent portions of the co-defendant, Alan Braun's ("Mr. Braun") deposition dated August 17, 2006.
14. Annexed hereto as Exhibit "J" is a copy of the report of Mr. Pinter's expert accountant, Vincent Love, CPA ("Mr. Love").
15. Annexed hereto as Exhibit "K" are pertinent portions of Mr. Love's deposition dated February 11, 2008.
16. Annexed hereto as Exhibit "L" are pertinent portions of Olympia's alleged expert, John Laschenski ("Mr. Laschenski") deposition dated January 31, 2008.
17. Annexed hereto as Exhibit "M" is a copy of the report of Fannie Mae's expert, Alan Schachter.
18. Annexed hereto as Exhibit "N" is Mr. Pinter's proposed amended answer to Fannie Mae's amended complaint.
19. For the applicable law and facts, the Court's attention is respectfully directed

to the annexed F. R. Civ. P. 56.1 Statement and Memorandum of Law.

Dated: New York, New York  
May 1, 2008

Yours, etc.

MARTIN CLEARWATER & BELL LLP

By: /s/   
MICHAEL F. LYNCH (ML8282)

Attorneys for Defendants  
Marcus Pinter  
220 East 42nd Street  
New York, New York 10017  
(212) 697-3122